

**Congress of the United States**  
**Washington, DC 20515**

October 21, 2019

Francesca Grifo, Ph.D.  
Scientific Integrity Official  
U.S. Environmental Protection Agency

Dear Dr. Grifo,

We write with serious concerns regarding how the Environmental Protection Agency (EPA) has participated in the permitting process for the proposed Pebble Mine in Bristol Bay, Alaska. Over the last several months, there have been a number of alarming reports in the press about the agency's behavior and decision-making process. We request greater clarification about how the scientific integrity policy was followed in this process and how scientific evidence was involved in these agency decisions.

While permitting for the Pebble Mine is principally led by the United States Army Corps of Engineers, there is a significant role for the EPA for a mine of this size. As the agency tasked with protecting the nation's clean water, the EPA should be thoughtfully participating in a process that could directly affect one of America's great waterways and commercial fisheries. However, on numerous occasions, it seems that the EPA has chosen to take a step back from reviewing the permitting process and has avoided any serious involvement.

Specifically, on July 30, 2019, the EPA chose to withdraw protections for Bristol Bay, Alaska under Section 404(c) of the Clean Water Act.<sup>1</sup> This was a departure from the decision made by the previous EPA Administrator, Scott Pruitt, who chose to retain protections for the region, saying, "Based on that review, it is my judgment at this time that any mining projects in the region likely pose a risk to the abundant natural resources that exist there. Until we know the full extent of that risk, those natural resources and world-class fisheries deserve the utmost protection. Today's action allows EPA to get the information needed to determine what specific impacts the proposed mining project will have on those critical resources."<sup>2</sup> The July 30 decision to withdraw these protections came just weeks after the agency raised serious red flags about the permitting process for the Pebble Mine. In comments submitted on July 1, 2019, regarding the Army Corps' Environmental Impact Statement on the project, the EPA wrote "the DEIS likely underestimates impacts and risks to groundwater and surface water flows, water quality, wetlands, aquatic resources, and air quality from the Pebble Project."<sup>3</sup>

We ask that you review the decision-making process that led to the agency removing clean water protections for the region just after raising serious concerns about the Army Corps' DEIS. This

---

<sup>1</sup> <https://www.epa.gov/newsreleases/epa-withdraws-outdated-preemptive-proposed-determination-restrict-use-pebble-deposit>

<sup>2</sup> Jan. 26, 2018. <https://www.epa.gov/newsreleases/epa-administrator-scott-pruitt-suspends-withdrawal-proposed-determination-bristol-bay>

<sup>3</sup> <https://www.epa.gov/sites/production/files/2019-07/documents/epa-comments-draft-eis-pebble-project-07-01-2019.pdf>

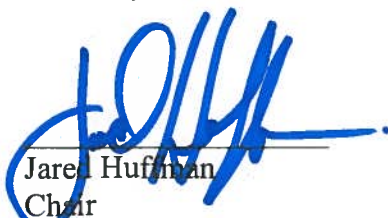
contradiction appears to ignore the scientific evidence used by agency employees in commenting on the DEIS. Additionally, there are reports of the agency silencing the opinions of scientists in favor of those of political appointees.<sup>4,5</sup> Given your office's role in upholding the EPA's Policy on Scientific Integrity, we ask that you review whether agency scientists and career staff were involved in the final decision to remove clean water protections and whether any objections were silenced by political appointees within the agency. We believe the decisions and actions related to the EPA's clean water protections are in direct conflict with the Policy, including guidelines to "Ensure that the Agency's scientific work is of the highest quality, free from political interference or personal motivations"<sup>6</sup> and "Prohibit[s] managers and other Agency leadership from intimidating or coercing scientists to alter scientific data, findings, or professional opinions..."<sup>7</sup>.


The lack of transparency regarding the decision is further colored by the long list of issues that have come up around previous decisions on the Pebble Mine. The current administrator, Andrew Wheeler, has recused himself from decisions regarding the project due to his previous position as the Director of the energy division for the Pebble Limited Partnership's lobbying firm. His employees were lobbying the agency on behalf of Pebble as recently as May of 2017. Under Administrator Wheeler's predecessor, Scott Pruitt, career staff in the agency raised ethical concerns about being asked to coordinate the release of news regarding ongoing litigation with the agency with the opening of financial markets in an effort to boost the company's stock price.<sup>8</sup> Given the number of potential outside influences and ethical conflicts, we ask that you review whether there were any impediments to scientific integrity in the decision-making process for the removal of clean water protections for Bristol Bay.


It is imperative that the EPA remains fully committed to the integrity of the science that ensures EPA's ability to protect human health and the environment. We believe the lapses in scientific integrity detailed above could be catastrophic for the Bristol Bay region and erode public trust.

We look forward to working with you on this matter. Thank you for your consideration.

Sincerely,

  
Jared Huffman  
Chair  
Subcommittee on Water,  
Oceans and Wildlife

  
Peter A. DeFazio  
Chair  
Committee on Transportation  
and Infrastructure

  
Grace F. Napolitano  
Chair  
Subcommittee on Water  
Resources and Environment

<sup>4</sup> <https://www.cnn.com/2019/08/09/us/epa-alaska-pebble-mine-salmon-invs/index.html>

<sup>5</sup> <https://www.eenews.net/greenwire/2019/08/16/stories/1060971569>

<sup>6</sup> U.S. Environmental Protection Agency Scientific Integrity Policy, p.3.

[https://www.epa.gov/sites/production/files/2014-02/documents/scientific\\_integrity\\_policy\\_2012.pdf](https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf)

<sup>7</sup> U.S. Environmental Protection Agency Scientific Integrity Policy, p. 5.

<sup>8</sup> <https://www.eenews.net/stories/1060075043>